

### **REMARKS**

Claim 53 is amended, and claims 1-96 are pending in this application.

Claim 53 is amended to more clearly define the invention. This amendment is not intended to limit the scope of equivalents to which any claim element may be entitled.

Applicants submit that no new matter has been added as a result.

### **Personal Interview**

Applicants wish to thank Examiner Deborah Carr and Examiner Carr's supervisor Johann Richter for extending the courtesy of a personal interview to Applicants' representative, Wendy Thai, on January 23, 2006.

Applicants' representative and Examiners Carr and Richter discussed the issues raised by the rejection to claims 15, 30 and 53. Examiner Richter indicated that the 35 U.S.C. § 112, second paragraph, rejection of claims 15 and 30 would be withdrawn. Examiner Richter also indicated that an amendment to claim 53 that incorporated alternative language, as exemplified in claim 15, would overcome the rejection of claim 53 under 35 U.S.C. 112, second paragraph. Examiner Carr indicated that she would comply with Examiner Richter's withdrawal of the rejection.

This account is believed to be a complete and accurate summary of the interview as required by 37 C.F.R. § 1.133. If the Examiner believes that this summary is inaccurate or incomplete, Applicants respectfully request that the Examiner point out any deficiencies.

### **§101 Rejection of the Claims**

Claims 1-96 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as claims 1-96 of co-pending Application No. 10/688,776. To advance the prosecution of this application, Application No. 10/688,776, filed on October 17, 2003 has been expressly abandoned. Thus, withdrawal of this rejection is respectfully requested.

§112 Rejection of the Claims

The Examiner rejected claims 15, 30, 53 and 87-89 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Specifically, the Examiner rejected claims 15, 30 and 53 for using improper Markush language. During the January 23, 2006 interview, Examiner Richter indicated that the rejection of claims 15 and 30 would be withdrawn. In addition, Examiner Richter also indicated that an amendment to claim 53 to incorporate alternative language would be sufficient to overcome rejection of this claim. Accordingly, applicants have amended claim 53, and respectfully request withdrawal of the rejection of these claims.

The Examiner rejected claims 87-89 alleging that the term “effective” is indefinite as the claims fail to state “the function which is to be rendered effective.” Applicants respectfully traverse this rejection. Claims 87, 88 and 89 are directed to methods of treating cancer, heart disease and macular degeneration, respectively. These methods comprise administering an amount of a particular natural product that is (1) “effective to treat the cancer” (claim 87); (2) “effective to treat the heart disease” (claim 88); and (3) “effective to treat the macular degeneration” (claim 89). Thus, claims 87-89 specifically identify the functions which are to be achieved by an effective amount of the natural product administered, and Applicants respectfully request reconsideration and withdrawal of this rejection.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6913 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

Jan 27/06

By

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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.